

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ADVANCEME, INC.,**

**Plaintiff,**

**v.**

**RAPIDPAY LLC, FIRST FUNDS LLC,  
MERCHANT MONEY TREE, INC.,  
REACH FINANCIAL, LLC, and FAST  
TRANSACT, INC. d/b/a SIMPLE CASH,**

**Defendants.**

**CASE NO. 6:05-CV-424 (LED – JDL)**

---

**ADVANCEME, INC.,**

**Plaintiff,**

**v.**

**AMERIMERCHANT, LLC,**

**Defendant.**

---

**CASE NO. 6:06-CV-082 (LED – JDL)**

**JURY TRIAL DEMANDED**

---

**ORDER GRANTING PLAINTIFF'S  
EMERGENCY MOTION TO QUASH OR MODIFY  
THE SUBPOENAS OF CLIFF HARDWICK AND JOHN KONOP,  
OR IN THE ALTERNATIVE FOR A PROTECTIVE ORDER**

---

Plaintiff's Emergency Motion to Quash or Modify the Subpoenas of Cliff Hardwick and John Konop, or, in the Alternative, for a Protective Order, came to be heard on an *ex parte* basis before this Court on January 19, 2007, pursuant to Federal Rules of Civil Procedure 45(c)(3)(A) and 26(c). AdvanceMe, Inc. was represented by Otis Carroll, Lead

Attorney for AdvanceMe. Counsel for Defendants were served with copies of this Emergency Motion but did not appear. After reviewing the papers submitted in support of the emergency motion, and considering the arguments of counsel, and good cause appearing, IT IS ORDERED THAT:

1. The subpoenas served on Cliff Hardwick and John Konop in the above-reference matters are HEREBY QUASHED; and/or

2. The subpoenas served on Cliff Hardwick and John Konop in the above-referenced matters are HEREBY MODIFIED and ORDERED to take place at a date and time that is mutually agreed upon by counsel for AdvanceMe, Inc., counsel for Defendants Merchant Money Tree, Reach Financial, First Funds, and AmeriMerchant, and Cliff Hardwick and John Konop or their counsel; and/or

3. Plaintiff AdvanceMe, Inc.'s Motion for a Protective Order is HEREBY GRANTED and it is HEREBY ORDERED that the requested disclosure and discovery not be had; and/or

4. Plaintiff AdvanceMe, Inc.'s Emergency Motion for a Protective Order is HEREBY GRANTED and it is HEREBY ORDERED that the requested disclosure and discovery not be had at the time and date set forth on the subpoenas that were served on Cliff Hardwick and John Konop; counsel for plaintiff and defendants are HEREBY ORDERED to meet and confer as to a mutually-agreed upon time and date for these depositions.

IT IS SO ORDERED.

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on this the 19th day of January, 2006. Any other counsel of record will be served by first class mail on this same date.

\_\_\_\_\_/s/  
Christina Henderson

LEGAL\_US\_W # 55481172.1